

REMARKS/ARGUMENT

Reconsideration is respectfully requested of the above-identified application. Upon entry of the foregoing amendment the claims in the application are Claims 56, 57, 59-70, and 73-81. It is noted that the rejection of Claims 58, 62, 67 and 69 under 35 U.S.C. § 112 (second paragraph) has been withdrawn.

Applicants wish to express their gratitude to the examiner for extending the courtesy of an interview to applicant's counsel and applicant at the interview held in the United States Patent and Trademark Office on June 19, 2003. At that time, the issues relating to the present invention were discussed. It is believed that the rejection with respect to Claims 56, 57, 60 and 70 under 35 U.S.C. § 102 as anticipated by *Jex* will be overcome by the present amendment.

Further, with the amendment of Claim 68 presented herewith, it is believed that the rejection of Claim 68 under 35 U.S.C. § 112 (second paragraph) has been overcome.

The rejection of Claims 56-70 and 73-75, in view of *Cogswell* (US 4,559,262) as expressed in the Final Action in paragraph 4 on page 2, is traversed and reconsideration is requested. Similarly, the rejection of Claims 76-81 under 35 U.S.C. § 103(a) as unpatentable over *Cogswell* is traversed and reconsideration is respectfully requested for the following reasons. The claims, as now amended, specify that the particles in the plastic based composite product of the present invention comprise wood, namely wood by itself, or wood mixed with a number of other fibrous materials such as those now recited in Claim 68. The claims now also specify that the particles comprise small particles being fibrous and having a random orientation and a length of 0.2 to 2 mm, as well as large particles, wherein the large particles are

larger than the small particles. This amendment is presented because the Examiner pointed out that because the particles could both have a common size of 2 mm, it was necessary to specify that the large particles are in fact larger than the small particles. It is important to note the small particles have a random orientation and the large particles are predominantly oriented in the first particle direction. This feature of the present invention is absent in the reference of *Cogswell* as admitted in the Official Action and, consequently, there is lacking a teaching in the art whereby a person skilled in the art would be lead to orient the particles in the particular way as set forth in the present claim. Moreover, Claims 62 and 77 point out the strength characteristics that are obtained in accordance with the present invention, which strength characteristics were discussed at the meeting with the Examiner.

For reasons set forth above, applicants respectfully submit that *Cogswell* does not create *prima facie* obviousness for the present invention.

Favorable action at the Examiner's convenience is respectfully requested.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By: 
Robert G. Weilacher, Reg. No. 20,531

Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Telephone: (404) 815-3593
Facsimile: (404) 685-6893